

REMARKS

Claims 1-25 are pending in the application.

Claims 1-25 have been rejected.

Claims 1, 11 and 20-25 have been amended, as set forth herein.

I. **REJECTION UNDER 35 U.S.C. § 101**

Claims 20-25 were rejected under 35 U.S.C. §101 as directed to non-statutory subject matter.

The rejection is respectfully traversed.

Applicant has amended Claims 20-25. Claims 20-25 are now directed to statutory subject matter.

Accordingly, the Applicant respectfully requests withdrawal of the §101 rejection of Claims 20-25.

II. **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-9, 11-18 and 20-24 were rejected under 35 U.S.C. § 102(b) as being anticipated by Wellner (US Patent No. 6,628,767). The rejection is respectfully traversed.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Applicant has amended independent Claims 1, 11 and 20 to recite that the one or more instant messages are communicated in the Session Initiation Protocol (SIP) format. Support for these amendments are found in Applicant's specification, paragraphs 0044, 0049. Wellner fails to disclose or describe instant messages communicated in the SIP format. Wellner describes a Java applet for a web browser that opens an HTTP connection to the conference call server. Wellner, Col. 5, lines 56-57. Through the open HTTP connection, the server sends updates to the web browser. Wellner, Col. 6, lines 29-45. No disclosure of SIP format instant messages is described in Wellner.

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102(b) rejection of Claims 1-10, 12-18 and 20-24.

III. REJECTION UNDER 35 U.S.C. § 103

Claims 11, 19 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wellner (US Patent No. 6,628,767) in view of Desai (US Patent No. 6,618,746). The rejection is respectfully traversed.

As with Wellner, Desai fails to disclose, teach or suggest instant messages in the SIP format for use during conference calls. Therefore, the proposed combination fails to render obvious Applicant's claimed invention.

Accordingly, the Applicant respectfully requests withdrawal of the § 103(a) rejection of Claims 11, 19 and 25.

IV. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

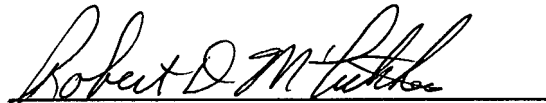
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Munck Butrus Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS, P.C.

Date: 10/2/2007



Robert D. McCutcheon
Registration No. 38,717

P.O. Drawer 800889
Dallas, Texas 75380
(972) 628-3632 (direct dial)
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: *rmccutcheon@munckbutrus.com*